

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

V.

CRIMINAL NO. 98-20022

PHILLIP HANEY

DEFENDANT

**ORDER**

Pursuant to the Court's authority under 18 U.S.C. § 3582(c)(2) and Rule 43(b)(4) of the Federal Rules of Criminal Procedure, the Court advises the parties that this defendant may qualify for a sentence reduction due to a recent amendment to the Crack Cocaine Offense Level Guidelines.

The U.S. Sentencing Commission has reduced guideline offense levels for cocaine base cases, and has made the reductions retroactive, effective March 3, 2008, to eligible, previously-sentenced defendants pursuant to the terms set forth in U.S.S.G. § 1B1.10.

If Defendant desires legal representation, he may request the Court to appoint an attorney. The request will be granted if the Court determines that an attorney is necessary to protect the interest of the defendant. Otherwise, Defendant may present a *pro se* motion for reduction of sentence to the Court. Once a motion is filed, the U.S. Attorney's Office is directed to file a response stating its position.

Should the U.S. Attorney's Office have no objection to such a reduction, the defendant will be advised and the matter will be referred for the entry of an agreed order.

All other terms and provisions of the original judgment will remain in effect.

IT IS SO ORDERED this 12<sup>TH</sup> day of March, 2008.

/S/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge